

MEETING MINUTES
Board of Mental Health Practice
January 6, 2017

These minutes were approved by
the Board on March 3, 2017

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, at 9:01 a.m. in Lower Level Room A, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Dale Battleson Chante Chambers Susan Feyen William Gaughan Terrance Moore Sarita Ruma	Chair Member Vice Chair Member Member Member
Members Absent:	Thomas Maxson L. Janeen Miller Allison Reisbig	Member Member Member
Others Present:	Kris Chiles Nancy Herdman Ami Huff Larry Wiehn Mark Meyerson Kathleen Krueger Dennis Scott	Program Manager, Licensure Unit Health Licensing Coordinator Assistant Attorney General Investigator Investigator Investigator Investigatorr

A quorum was present and the meeting convened. Chiles stated she had received a resignation from Schnuelle and Battleson stated that Reisbig had advised him that she was resigning from the Board.

2. ADOPTION OF AGENDA

MOTION: Ruma moved, seconded by Moore, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (11-4-16)

MOTION: Gaughan moved, seconded by Moore, to approve the minutes of 11-4-16. A roll call vote was taken. Voting aye: Battleson, Chambers, Gaughan, Moore, Ruma (5). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Abstain: Feyen (1). Motion carried.

7. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Ruma moved, seconded by Moore, to enter into closed session at 9:05 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

9:05 a.m.	-	Harrison entered meeting
9:38 a.m.	-	Krueger departed meeting
9:50 a.m.	-	Scott and Meyerson departed meeting
9:53 a.m.	-	Battleson departed meeting (conflict)
9:55 a.m.	-	Battleson entered meeting
9:57 a.m.	-	Wiehn departed meeting
10:04 a.m.	-	Harrison departed meeting
		Break
10:05 a.m.	-	Meeting resumed

MOTION: Ruma moved, seconded by Chambers, to enter into open session at 10:24 a.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma, (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

10:24 a.m. - Court reporter entered meeting

6. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications and Reinstatements

Katherine Nicolarsen – MSW Reinstatement

MOTION: Feyen moved, seconded by Moore, to recommend reinstatement of the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

Kristin Cannon – MSW Reinstatement

MOTION: Feyen moved, seconded by Moore, to recommend reinstatement of the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

Miranda Stoll – PLMHP Applicant

MOTION: Feyen moved, seconded by Ruma, to recommend deferral and request a letter from proposed PLMHP supervisor as to whether Stoll advised the supervisor of her prior discipline. If verification is received by the Department that the supervisor was advised, issue the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Abstain: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

Moved to agenda item 8.

8. UNFINISHED BUSINESS

a. Regulation 172 NAC 94 and Next Steps

Battleson reported he and Feyen met with Jennifer Roberts-Johnson, Deputy Director, and a Department attorney to see what had happened with the regulations. They were advised of the regulation process and that the regulations had come back as a “no” from the Policy Research Office. Chiles stated the regulations were first drafted in 2007 and since 2008, 4 public hearing were held. She stated the 2014 draft (which was the last hearing draft copy) was in the process of being reformatted.

The members agreed that if they had suggested changes to the draft regulations, they would forward them to Chiles. Chiles will forward the reformatted draft and the regulations will be discussed at the March meeting.

Chiles discussed that in terms of 2017 legislation, a proposal had been forward with changes regarding acceptance of additional examinations, reciprocity revisions, and obtaining a provisional license and then then registering a supervisor within 30 days of employment. Additionally, she stated there was also a proposal regarding combining the licensing of substance abuse treatment centers and mental health centers into one license, and eliminating the out-patient substance abuse treatment center license, thus there would only be a license for residential clients. It is not known whether a Senator will introduce a bill regarding the proposal.

10:50 a.m. - Break
11:00 a.m. - Meeting resumed
Teresa Hampton, Department attorney, entered meeting

4. HEARINGS ON DENIAL OF REINSTATEMENT FROM DISCIPLINE

- James Leonard Holt – 11:00 a.m.

The hearing on reinstatement from voluntary surrender to practice as a mental health practitioner, independent mental health practitioner, and certified master social worker was convened at 11:01 a.m. Teresa Hampton, Department attorney, served as the hearing officer. The Department was represented by Ami Huff, Assistant Attorney General. James Leonard Holt represented himself. Kris Chiles, Program Manager with the Licensure Unit, and James Leonard Holt (applicant) were witnesses. Exhibits were entered and accepted. Evidence was presented and testimonies were provided.

MOTION: Ruma moved, seconded by Gaughan, to enter into closed session at 11:44 a.m. for deliberation regarding the reinstatement of license for James Holt. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

11:45 a.m. - Chiles, Huff, Holt and hearing reporter departed meeting

MOTION: Ruma moved, seconded by Gaughan, to enter into open session at 12:40 p.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma, (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

12:40 p.m. - Chiles, Huff, Holt and hearing reporter entered meeting

MOTION: Feyen moved, seconded by Moore, to deny the request for reinstatement of James Leonard Holt based on no new evidence to address the issue that lead to licensure surrender such as the following suggestions:

- 1) plan to identify how to prevent this from happening again with collateral information;
- 2) proof that CEU requirements are met to include ethics CEUs;
- 3) letter from probation officer to include proof of payment of restitution and in good standing with probation; and
- 4) letters of reference.

A roll call vote was taken. Voting aye: Chambers, Feyen, Gaughan, Moore, Ruma, (5). Voting nay: Battleson (1). Absent: Maxson, Miller, Reisbig (3). Motion carried.

12:42 p.m. - Hampton declared the hearing of James Edward Holt completed.

The Board moved back to agenda item 6 to review a remaining application.

6. REVIEW AND RECOMMENDATIONS – OPEN SESSION

12:44 p.m. - Ruma departed meeting (conflict)

MOTION: Gaughan moved, seconded by Chambers, to enter into closed session at 12:45 p.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore (5). Voting nay: None (0). Absent: Maxson, Miller, Reisbig, Ruma (4). Motion carried.

MOTION: Gaughan moved, seconded by Chambers, to enter into open session at 12:55 p.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore (5). Voting nay: None (0). Absent: Maxson, Miller, Reisbig, Ruma (4). Motion carried.

Angela Biga – LMHP, CPC Reinstatement from Discipline (Early Release from Probation)

MOTION: Moore moved, seconded by Feyen, to recommend denial of reinstatement (early release from probation) based on insufficient evidence to change the original probationary period. A roll call vote was

taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore (5). Voting nay: None (0). Abstain: None (0). Absent: Maxson, Miller, Reisbig, Ruma (4). Motion carried.

12:56 a.m. - Break
1:14 p.m. - Meeting resumed
Huff, Ruma, hearing reporter and Harrison entered meeting

Moved back to agenda item 4 for the remaining hearing.

4. HEARINGS ON DENIAL OF REINSTATEMENT FROM DISCIPLINE

- Samuel Levi Edwards, Jr. – 1:15 p.m.

The hearing on reinstatement and early release from probation and removal of limitation requested by Samuel Levi Edwards, Jr. was convened at 1:20 p.m. Teresa Hampton, Department Attorney, served as the hearing officer. The Department was represented by Ami Huff, Assistant Attorney General. Samuel Levi Edwards, Jr. represented himself. Kris Chiles, Program Manager with the Licensure Unit, and Samuel Levi Edwards, Jr. (applicant) were called as witnesses. Exhibits were entered and accepted. Evidence was presented and testimonies were provided.

MOTION: Ruma moved, seconded by Chambers, to enter into closed session at 1:52 p.m. for deliberation regarding the reinstatement of license for Samuel Levi Edwards, Jr.. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

1:52 p.m. - Huff, Chiles, Edwards, and hearing reporter departed meeting

MOTION: Ruma moved, seconded by Gaughan, to enter into open session at 2:20 p.m. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma, (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

2:20 p.m. - Huff, Chiles and hearing reporter entered meeting

MOTION: Feyen moved, seconded by Moore, to recommend the reinstatement of the license of Samuel Levi Edwards, Jr. by removing the probation but the limitation remains. The licensee is in compliance but still have concerns due to the severity of the actions that led to the discipline and community safety is served by keeping the limitation on the license. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma, (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig (3). Motion carried.

2:22 p.m. - Hampton declared the hearing of Samuel Levi Edwards, Jr. completed.

Moved to agenda item 9.

9. UPDATES AND REPORTS

a. AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health CommitteeCE Audit Update

AASCB – There was no report.

AMFTRB – Battleson reported that he will be an item writer for the examination.

ASWB – Feyen requested that funding be approved for her to attend the spring meeting in April in Henderson, Nevada

MOTION: Ruma moved, seconded by Moore, to recommend approval of funding for Feyen to attend the spring ASWB meeting. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma, (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig.

JBH – There was no report.

b. Disciplinary/Non-Disciplinary Report / Licensure Statistics / Administrative Penalty Fees Assessed

Chiles distributed the Disciplinary/Non-Disciplinary Report for 2016.

Chiles reported the following examination statistics for 2016:

ASWB – 48 pass, 24 fail
ASWB-Advance – 2 pass, 1 fail
NBCC-NCE – 82 pass, 13 fail
NBCC-NCMHCE-DM - 13 pass, 17 fail
NBCC-NCMHCE-IG – 26 pass, 3 fail

Chiles distributed the following active license/certificate statistics:

LIMHP	1472
MFT	81
MSW	825
CMSW	28
LMHP	2446
CPC	866
PMSW	232
PMHP	1006
SW	528
Supr. MFT	15

Chiles provided a short overview of the successes relating to process improvement and stated that mental health applications were being reviewed within 1-2 days of receipt; previously it could be up to 30 days before the initial review was completed. She also commented that staff are working as a team rather than individuals, for example, they all worked together on processing over 9,000 cosmetology renewals for the 12-31-16 expiration date.

Chiles distributed the list of the mental health practice renewals that were audited that included those who passed and did not pass the audit. She commented that those that failed the audit were due to hours not earned within the renewal time period and too many hours of home study.

10. NEW BUSINESS

a. 2017 Legislation

This item was addressed under another agenda item above.

b. Approval of the Method of Noticing Meeting Agendas

MOTION: Ruma moved, seconded by Gaughn, to recommend the method for noticing of meeting agendas be the same as in the past. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma, (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig.

11. ELECTIONS AND APPOINTMENTS

a. Election of Officers

MOTION: Feyen moved, seconded by Moore, to elect Battleson as Chair, Feyen as Vice-Chair and Ruma as Secretary. A roll call vote was taken. Voting aye: Battleson, Chambers, Feyen, Gaughan, Moore, Ruma, (6). Voting nay: None (0). Absent: Maxson, Miller, Reisbig.

b. Appointment of Investigative Consultants and Education Reviewers

Maxson was appointed as the investigative consultant. Feyen was appointed as the education reviewer for all professions.

The following were appointed as representatives to the following national organizations:

ASWB – Feyen
AMFTRB – Battleson
AASCB - Ruma

The Board discussed that at the next meeting they want an agenda item regarding the different ASWB examinations and which could be used for the CMSW.

12. ADJOURNMENT

Battleson adjourned the meeting of the Board of Mental Health Practice at 2:54 p.m.

Respectfully Submitted,

Sarita Ruma, Secretary
Board of Mental Health Practice

Next Meeting: March 3, 2017

Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit